

## DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



January 29, 1988

ALL COUNTY LETTER NO. 88-14

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: QUESTIONS AND ANSWERS ON IMPLEMENTATION OF THE FOOD  
STAMP HOMELESS ASSISTANCE ACT PROVISIONS (P.L. 100-77)

REFERENCE: All County Letter No. 87-160, Dated December 18, 1987  
All County Letter No. 87-167, Dated December 31, 1987  
All Food Stamp County Coordinators Letter Dated  
January 15, 1988

The purpose of this letter is to officially transmit the questions and answers provided earlier to the County Welfare Departments (CWDs) via an All Food Stamp County Coordinators Letter dated January 15, 1988. The questions and answers concern the implementation of the Food Stamp Homeless Assistance Act (P.L. 100-77). This letter also clarifies policy pertaining to the establishment of the household's retroactive eligibility based on separate household status.

We have made two modifications to the original answer to Question 13. First, the definition of "temporary housing" was revised to address the concerns expressed by the CWDs. The new definition may be used synonymously with the definition of "temporary accommodations" as used in the definition of "homeless individuals" (in ACL No. 87-160) as it relates to "a supervised shelter designed to provide temporary accommodations." Secondly, the answer to Question 13 was expanded to clarify that, for GA/GR housing assistance payments to be excluded as vendor payments, the temporary housing unit provided for the household as a result of such assistance must lack facilities for the preparation and cooking of hot meals or the refrigerated storage of food for home consumption.

Subsequent to the release of All County Letter Numbers 87-160 and 87-167, questions were raised regarding the household's retroactive intent as it relates to purchasing and preparing meals separately from others living in the home. In order for the household to be eligible for restoration of benefits based on separate household status, it must be established that a parent together with his/her minor child(ren) would have purchased food and prepared meals separately from other relatives in the home if he/she had known about the new rules on household composition. Please note that this does not change the current policy concerning the establishment of a separate "purchase and prepare" custom. With continuing cases not requesting a restoration and new applications, separate household status cannot be granted until the household establishes a custom of purchasing and preparing meals separately from other relatives living in the home.

If you have any further questions, please contact the AFDC and Food Stamp Policy Implementation Bureau at (916) 322-5330.

*for Stephen K. Larsen*  
ROBERT A. HOREL  
Deputy Director

Enclosure

cc: CWDA

## Questions & Answers on Food Stamp Homeless Provisions

### QUESTION 1:

If a household withdrew after filing an application for food stamps, is it entitled to restoration of benefits if it was otherwise eligible? Or are only those persons previously denied benefits who are eligible for separate household status under the new provision entitled to restoration of benefits?

### ANSWER:

For purposes of these new provisions, a household that filed an application but subsequently withdrew the application, would be entitled to a restoration of benefits if the household would not have withdrawn the application had they been aware of these rules.

### QUESTION 2:

How do the CWDs compute the amount of underissuance in the following situation?

The original household which consisted of two AFDC families received \$59 in food stamps. Separately each family which includes a mother and a child could have received \$81.

### ANSWER:

The CWD should recompute the budget by determining the difference between what the household received and what the two households are entitled to receive. ( $81 + 81 = 162$ .  $162 - 59 = 103$ .) \$103 would be the underissuance in this situation.

Note: For issuing the restoration of benefits refer to All County Letter No. 87-160, dated December 18, 1987, question and answer #4.

QUESTION 3:

Is there any time limit for the CWDs to process requests for restoration of benefits?

ANSWER:

No, but the request should be processed as soon as administratively possible.

QUESTION 4:

In restoring benefits, should the CWDs use estimated or actual income if beginning months are affected?

ANSWER:

The CWD should use the estimated income originally used in a beginning month(s).

QUESTION 5:

If no income, other information or change in status was reported in the original CA 7s, do the CWDs still have to provide copies of the CA 7s to households and ask each household to update the CA 7s, initial changes, etc.?

ANSWER:

Yes, the CWDs still need to know shelter costs, etc., for the respective households.

QUESTION 6:

What action does the CWD need to take when a household does not return the DFA 285 A-1 when requesting a restoration of benefits?

ANSWER:

The CWD does not need to take any action because an application for restoration has not been filed until the DFA 285 A-1 is received by the CWD.

QUESTION 7:

What action can the CWDs take when one household returns the DFA 285-A2 but the other household does not when requesting a restoration of benefits based on separate household status?

ANSWER:

For restoration of benefits, the potentially eligible new household must submit the DFA 285 A-1 and DFA 285 A-2. The original household must submit the DFA 285 A-2.

The CWD should allow the households 30 days to provide the DFA 285 A-2 from the date the DFA 285 A-1 (from the potentially new household) or DFA 285 A-2 (from the original household), is received by the CWD, whichever is earlier. If the CWD has not received the DFA 285 A-2 from both households by the 30th day, the CWD should send a Notice of Denial for a restoration of benefits.

QUESTION 8:

When a household is split into two households, are they both subject to the six-month certification requirement? If so, do the CWDs then allow \$164 as excess shelter deduction?

ANSWER:

Only the parent/child household is subject to the six-month certification. The parent/child household is entitled to the \$164 excess shelter deduction when the new certification period begins.

QUESTION 9:

In determining the household's shelter costs for purposes of expedited service, can the CWDs allow payments for tax, insurance premium or association fees?

ANSWER:

For purposes of expedited service, shelter costs should include rent or mortgage and utility costs only. Therefore, if tax and insurance are already included in a mortgage payment, they would be allowable.

QUESTION 10:

For those households that meet the new criteria for expedited service, do they have to meet the "30-day break-in-aid" rules if they are subject to the MRRB?

ANSWER:

Yes, current regulations would apply.

QUESTION 11:

When an adult child lives with his parent who has the custody of a minor grandchild, and the grandparent and the minor grandchild purchase and prepare meals separately from the adult child, are they entitled to a separate household?

ANSWER:

No. Although this is a three-generation family, the new rule on household composition requires an individual with a minor child to be the parent of that child.

QUESTION 12:

An individual in temporary housing receives GA/GR housing assistance in the form of vendor payments and has his/her own hot plate and/or ice chest. Can the CWDs consider that the temporary housing unit has facilities for the preparation and cooking of hot meals or the refrigerated storage of food for home consumption?

ANSWER:

No. In this situation the possession of an ice chest and/or hot plate would not allow households to purchase and prepare food the way households in normal living arrangements can.

QUESTION 13:

What is the definition of "temporary housing" when determining if GA/GR housing assistance payments should be excluded as income? Should that be determined by the client's intent or any time limit imposed by the housing itself?

ANSWER:

The "temporary housing" may be determined if any time limit is imposed by the housing unit or by the county welfare department. In order for GA/GR housing assistance payments to be excluded as vendor payments, however, the temporary housing unit must lack facilities for the preparation and cooking of hot meals or the refrigerated storage of food for home consumption.

QUESTION 14:

When an individual is staying temporarily in the residence of another individual, how do we define "temporary accommodation?"

ANSWER:

A temporary accommodation is the primary nighttime residence of an individual staying with another individual if the stay is time limited (for any length of time).

QUESTION 15:

Do the CWDs have to send another DFA 377.7B to the household upon recomputation of an overissuance, disallowing the earned income deduction, when an IPV is established either by a court or an administrative disqualification hearing (ADH)?

ANSWER:

The CWD should send the initial DFA 377.7B indicating the amount of the claim as an inadvertant household error. After getting the IPV determination from either a court or ADH, which includes disallowing the 20% earned income deduction, the CWD should send another DFA 377.7B with the new overissuance amount.

Questions from All County Letter No. 87-160, dated December 18, 1987

QUESTION 2:

If a GR/GA adult temporarily moves back in with his/her parents who have a minor child(ren) and the parents with a minor child(ren) are not eligible for food stamps, is the GR/GA adult eligible for food stamps?

ANSWER:

In this situation the GR/GA individual would not be entitled to separate household status because there are not three generations or a sibling with a minor child(ren). Current regulations on household composition would apply.

QUESTION 10:

A single adult temporarily resides with a relative and is purchasing and preparing meals separately. Is he/she entitled to expedited services on their own or does he/she have to be added to the relatives' household?

ANSWER:

The single adult is entitled to expedited services and separate household status if the relative is not his/her parent, child or sibling and the households purchase and prepare meals separately.